

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEWJERSEY**

**IN RE: JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION**

MDL No. 2738 (FLW) (LHG)

**JUDGE: FRED A. WOLFSON
MAG. JUDGE: LOIS H. GOODMAN**

THIS DOCUMENT RELATES TO:

Roxann Wing v. Johnson & Johnson, et al.

Civil Action No. 3:17-cv-13023

MOTION TO SUBSTITUTE PARTY PLAINTIFF

Counsel, pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, moves this Court for an order substituting Brian L. Wing on behalf of his deceased spouse, Roxann Wing.

1. Roxann Wing filed a products liability lawsuit against Defendants on December 13, 2017.
2. Subsequently, after filing the lawsuit, plaintiff's counsel was notified that Roxann Wing died on November 9, 2018.
3. Roxann Wing's products liability action against Defendants survived her death and was not extinguished.
4. Plaintiff filed a Notice and Suggestion of Death on January 31, 2019.
5. Brian L. Wing, surviving heir and spouse of Roxann Wing, is a proper party to substitute for plaintiff-decedent Roxann Wing and has proper capacity to proceed forward with the surviving products liability lawsuit on her behalf, pursuant to Fed. R. Civ. P. 25(a)(1). "If

a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative."

Based on the foregoing, Brian L. Wing requests that this Court grant his request for substitution as plaintiff in this action.

Dated: January 31, 2019

Respectfully submitted,

SHAW COWART, L.L.P.

/s/ *Ethan L. Shaw*

ETHAN L. SHAW

Texas Bar No. 18140480

elshaw@shawcowart.com

JOHN P. COWART

Texas Bar No. 04919500

jcowart@shawcowart.com

1609 Shoal Creek Blvd., Suite 100

Austin, Texas 78701

T: 512.499.8900 / F: 512.320.8906

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2019, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record who are CM/ECF participants.

/s/ *Ethan L. Shaw*

ETHAN L. SHAW